THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on : 30.10.2007

+ **IA No. /2007 & CS (OS) 1305/2004**

SHANKAR GUPTA .....Plaintiff

- versus -

M/S ANSUN MULTITECH (INDIA) LTD. .....Defendant

Advocates who appeared in this case:
For the Plaintiffs : Mr Sunil Goel
For the Defendant : Ms Indrani Gosh

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

1. This is an application under Order 23 Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 for recording the compromise/ settled arrived at between the parties. As indicated in the order dated 22.10.2007, the parties have agreed that a total sum of Rs 22 lacs shall be paid by the defendant in four instalments by way of full and final settlement of all the disputes between the parties. The first instalment would be of Rs 10 lacs and the same would be payable on or before 22.11.2007. Thereafter the balance three instalments of Rs 4 lacs

each shall be paid on the 22nd of each succeeding month, that is, December 2007, January 2008 and February 2008. The parties have also undertaken that they shall bound by the settlement arrived at between them and recorded in this application.

2. The application has been signed by Mr Balkishan Dass Gupta, who is the constituted attorney of the plaintiff. The said Mr Gupta is also present in Court and is identified by his counsel. On behalf of the defendant, the application is signed by Sh. Ashok Srivastava, who is the authorized signatory of the defendant company. A certified copy of the resolution passed at the meeting of the Board of Directors of the defendant on 07.08.2007 has also been handed over and the same is taken on record. The counsel for the parties state that there is a typographical error in the index as well as the affidavit of the defendant, which shows the date of the resolution as 07.07.2007. All parties state that the same be read as 07.08.2007. Since the certified true copy bears the date of 07.08.2007, the same would be read as 07.08.2007. The application is also signed by the respective counsel for the parties and is supported by affidavits of Mr Balkishan Dass Gupta and Mr Ashok Srivastava.

3. I have examined the terms of the compromise/ settlement, which have been reduced to writing and forms part of this application. The settlement/ compromise is lawful and, therefore, there is no impediment in taking the same on record. The same is taken on record. The suit is decreed in terms of the settlement/ compromise arrived at between the parties. This application is marked as Ext. C-1 and shall form part of the decree.

This application, the suit and other pending applications stand disposed of.

The formal decree be drawn up.

BADAR DURREZ AHMED
(JUDGE)

October 30, 2007
SR